

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN EXPRESS PUBLISHING
CORPORATION,

Plaintiff,

V.

CSMJ, INC.

Defendant.

Civil Action No. 08 cv 3396 (WHP)

REPORT IN PREPARATION FOR JUNE 23, 2008 CONFERENCE

Plaintiff American Express Publishing Corporation (“AmEx”) respectfully submits this report in response to the Order for Initial Pretrial Conference (“Conference Order”) entered on May 23, 2008. Per the Conference Order, the Court scheduled a conference in this matter on June 23, 2008, at 2:15 p.m., and the parties were to submit a written discovery plan in accordance with Federal Rule of Civil Procedure 26(f) in advance of that conference. However, defendant CSMJ, Inc. (“CSMJ”) still has not appeared in this matter or otherwise contacted counsel for AmEx.

By way of background, this is an action to recover fees owed to AmEx by CSMJ for publishing services. AmEx filed its Complaint on April 7, 2008. (Dkt. 1). The Complaint was formally served on April 9, 2008. (Dkt. 3). CSMJ had been represented by an attorney in Boise, Idaho in connection with dealings with AmEx prior to the initiation of litigation, and thus on April 10, 2008, counsel for AmEx sent to that attorney via facsimile and U.S. Mail a courtesy copy of the Complaint. Counsel for AmEx did not receive any response.

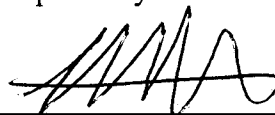
CSMJ failed to respond to the Complaint, and thus on May 5, 2008, at the request of AmEx, the Clerk entered Default pursuant to Federal Rule of Civil Procedure 55(a). (Dkt. 4).

On May 9, 2008, AmEx filed a Motion For Entry of Default Judgment pursuant to Federal Rule of Civil Procedure 55(b)(1) and Local Civil Rule 55.2(a). On May 23, 2008, the Court entered an Order striking AmEx's Motion For Default Judgment, and entered the Conference Order as well.

AmEx on May 30, 2008, effectuated formal service of a copy of the Conference Order on CSMJ by having it personally delivered to CSMJ's authorized agent to accept service. Also, on May 29, 2008, counsel for AmEx sent the Idaho attorney via facsimile and U.S. Mail a copy of the Conference Order. Again, counsel for AmEx did not receive any response.

In sum, since the filing of this action, counsel for AmEx has not been contacted by CSMJ or any attorney on behalf of CSMJ in connection with this matter. In light of the formal and informal service of the Complaint and Conference Order in this action, AmEx submits that CSMJ is aware of the action but apparently has decided not to defend. In light of the above, AmEx respectfully requests the opportunity to move forward with its efforts in obtaining Entry of Default Judgment in this matter.

Respectfully submitted,



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